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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/824,706	04/04/2001	Yatin R. Acharya	95-391	1771
20736	7590	07/21/2004	EXAMINER	
MANELLI DENISON & SELTER 2000 M STREET NW SUITE 700 WASHINGTON, DC 20036-3307			KNOLL, CLIFFORD H	
			ART UNIT	PAPER NUMBER
			2112	

DATE MAILED: 07/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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**Advisory Action**

Application No.

09/824,706

Applicant(s)

ACHARYA ET AL.

Examiner

Clifford H Knoll

Art Unit

2112

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 14 June 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY [check either a) or b)]**

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_

3. ☒ Applicant's reply has overcome the following rejection(s): 112(2).
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: see attached response.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_

Claim(s) objected to: \_\_\_\_\_

Claim(s) rejected: 1-12.

Claim(s) withdrawn from consideration: \_\_\_\_\_

8. ☐ The drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_
10. ☐ Other: \_\_\_\_\_

**BEST AVAILABLE COPY**Khanh Dang  
Primary Examiner

***Response to Arguments***

Applicant's arguments filed 6/14/2004 have been fully considered but they are not persuasive.

Applicant argues that instant invention discloses a host adapter distinct from the host adapter of Fung: "the claimed host channel adapter is configured for implementing transport layer services such as TCP/IP based protocols in hardware", while Fung "is configured for implementing only operations below the transport layer" (p. 5); however in general Fung adequately discloses adapting to a bus; thus the interpretation of Fung is deemed reasonable. Furthermore, specifically, Fung discloses a protocol stack based on TCP/IP (e.g., col. 4, lines 34-40), and in fact Fung discloses precisely the transport layer (e.g., col. 4, lines 34-40; Figure 2); thus the distinctions Applicant draws from the specification are specifically found in Fung.

The arguments regarding access cycle and entries identifying respective packets, have been treated in the previous Office Action on pages 5-7.

Applicant further argues that Fung does not disclose resetting an acknowledgement waiting bit for a selected one of the entries, arguing that Fung merely "decrements the transaction count field" (p. 6, citing Fung col. 11, lines 41-51); however, this is not the citation relied upon in the rejection, which cites col. 11, lines 9-12: "At the completion of a transaction, i.e., the Transaction Interface 210 received an acknowledgment from the node to which the data is being sent"; which quite clearly involves a selected entry and quite clearly involves setting an acknowledgement bit.

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Regarding claim 11 and 12, Applicant argues that the claims specify "multiple entries for the respective packets are stored in a single storage transaction" and argues that Fung "requires that the same TMC block 310 be accessed for each and every transmission of a data packet or receipt of a transaction response for a corresponding data packet (col. 11, lines 43-51)" (p. 8); however this interpretation of the cited passage is incorrect. Here, Fung discloses: "Each time the Transaction Interface 210 sends a data packet to the serial bus, it increments transaction\_count"; thus the passage refers to a count that is incremented, not to new storage of the entry. This count merely tracks outstanding packets which it has *not* received. However, regarding the original storage transaction, Fung discloses: "Data to be sent along the bus are packaged into TMC blocks and placed into the time-critical or non-time critical queue as desired" (col. 10, lines 56-58). This is a single transaction and anticipates the claimed transaction.

Thus the rejection using Fung is maintained.

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